

purported to have occurred over the course of five years. (Doc. 3 at ¶¶ 1-24.) The indictment follows an investigation that began approximately May 4, 2011, and has thus far resulted in ten plea agreements from other, non-indicted defendants who have yet to be sentenced.

2. The scope of the investigation and prosecution is broad. The indictment references more than a dozen unnamed witnesses and identifies eight alleged overt acts of conspiracy, but indicates the existence of potentially-numerous other acts not specifically charged. (Id. at ¶ 30.) The Government's disclosure under Federal Rule of Criminal Procedure 12.4 identifies more than 300 potential victims located across the country. (Gov't Rule 12.4 Discl., Doc. 5.)

3. Counsel for the parties met on February 26, 2016, to discuss, among other things, the need for a protective order in this matter, the volume and logistics of discovery, and the need for a scheduling order proportional to the magnitude of discovery and number of parties. The parties are prepared to report to the Court on the progress of their discussions.

4. At the February 26 meeting, the Government represented to counsel for Defendants that discovery in this matter will consist of, among other things, voluminous electronically stored information (ESI) obtained through the execution of search warrants in Tennessee, Iowa, Kentucky, and Texas. The Government advised that this ESI material alone consists of approximately five terabytes of data, which, based on Defendants' understanding of a terabyte, translates to tens or potentially hundreds of millions of pages. According to the Government, this ESI data was seized from approximately 40 electronic containers and a similar number of custodians. Additionally, the Government has represented that it intends to produce more than 200 hours of consensually recorded meetings and conversations. The Government also indicated that it intends to produce more than 300 gigabytes of material that Pilot Travel Centers LLC has produced to the Government pursuant to the cooperation provisions of the Criminal Enforcement

Agreement (CEA) entered into between Pilot Travel Centers LLC and the Government. The CEA-related material includes, among other things, voluminous audit files for hundreds of customers. Moreover, the Government has stated that it intends to produce voluminous records that were produced to the grand jury from multiple sources. The Government has advised that the above-described discovery material is available for review upon the entry of an appropriate protective order. The parties have spent significant time cooperating to achieve, and are close to finalizing, an Agreed Protective Order for submission to the Court. The Government has advised that although the above-described discovery material is available for review upon the entry of an appropriate protective order, it expects to be able to provide each Defendant its own physical copy of the above-described material by April 8, 2016. Reviewing this volume and variety of information in connection with a case involving commodity pricing and discounts, together with the necessarily attendant accounting issues, will require months of effort and the use of sophisticated computerized document management and review tools to attempt to identify, view, and organize relevant material to prepare for the trial of this case.

5. Because of the nature of the prosecution, the number of parties, and the anticipated volume of discovery to be provided, the parties submit that this case is complex and, as result, it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by 18 U.S.C. § 3161(c)(1). *See United States v. Covington*, No. 3:15-CR-23, 2015 WL 3883522 at *2 (E.D. Tenn. June 24, 2015) (finding case complex for speedy trial purposes where charged schemes against multiple defendants were alleged to have occurred over 30 months and voluminous discovery included one-half terabyte of information); *United States v. Stockton*, No. 3:15-CR-45, 2015 WL 2185562 at *2 (E.D. Tenn. May 7, 2015) (finding case complex for speedy trial purposes where charged schemes against multiple defendants were

alleged to have occurred over 22 months and voluminous discovery in the case consisted of four terabytes of data).

6. Based on the foregoing, the parties jointly request that the Court declare this case “complex” for speedy trial purposes pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). Defendants further request, and the Government does not oppose, the continuance of the trial pursuant to 18 U.S.C. § 3161(h)(7)(A), (B). The parties are prepared to discuss with the Court a proposed schedule for this case.

7. In further support of these motions, each Defendant has executed a declaration waiving their speedy trial rights to ensure they and their counsel have adequate time to prepare for trial.

Dated: March 4, 2016.

Respectfully submitted,

RUSTY HARDIN & ASSOCIATES LLP

s/ Russell Hardin, Jr.

Russell Hardin, Jr. (*Pro Hac Vice*)

Andy Drumheller (*Pro Hac Vice*)

Derek S. Hollingsworth (*Pro Hac Vice*)

Jennifer E. Brevorka (*Pro Hac Vice*)

5 Houston Center

1401 McKinney Street Suite 2250

Houston, Texas 77010

Telephone: (713) 652-9000

Facsimile: (713) 652-9800

rhadin@rustyhardin.com

adrumheller@rustyhardin.com

dhollingsworth@rustyhardin.com

jbrevorka@rustyhardin.com

Attorneys for Defendant Mark Hazelwood

BASS, BERRY & SIMS, PLC

s/ Eli Richardson (with permission)

Eli Richardson

BPR #: 023443

150 Third Avenue South, Suite 2800

Nashville, Tennessee 37201

Telephone: (615) 742-7825

Facsimile: (615) 742-0416

erichardson@bassberry.com

Attorneys for Defendant Scott Wombold

MILLER & MARTIN PLLC

s/ Roger W. Dickson (with permission)

Roger W. Dickson

BPR #: 001933

Zachary H. Greene

BPR #: 024451

Volunteer Building Suite 1200

832 Georgia Avenue

Chattanooga, Tennessee 37402-2289

Telephone: (423) 785-8210

Facsimile: (423) 321-1528

Roger.Dickson@millermartin.com

Zac.Greene@millermartin.com

MILLER & MARTIN PLLC

Daniel P. Griffin (*Pro Hac Vice*)

Eileen H. Rumfelt (*Pro Hac Vice*)

Regions Plaza Suite 2100

1180 West Peachtree Street, N.W.

Atlanta, Georgia 30309-3407

Telephone: (404) 962-6154

Facsimile: (404) 962-6364

Danny.Griffin@millermartin.com

Eileen.Rumfelt@millermartin.com

Attorneys for Defendant John Freeman

COSTNER & GREENE

s/ Joseph E. Costner (with permission)

Joseph E. Costner

BPR #: 006202

Sarah Bean Smith

BPR #: 031967

315 High Street

Maryville, Tennessee 37804

Telephone: (865) 983-7642

Facsimile: (865) 981-1260

joecostner@costnergreene.com

sarahsmith@costnergreene.com

Attorneys for Defendant Vicki Borden

BIESER, GREER & LANDIS LLP

s/ James P. Fleisher (with permission)

James P. Fleisher (*Pro Hac Vice*)

Joseph C. Oehlers (*Pro Hac Vice*)

Michael A. Rieman (*Pro Hac Vice*)

400 PNC Center

6 North Main Street

Dayton, Ohio 45402-1908

Telephone: (937) 223-3277

Facsimile: (937) 223-6339

jpf@biesergreer.com

jco@biesergreer.com

mar@biesergreer.com

Attorneys for Defendant John Spiewak

BELL, TENNENT & FROGGE, PLLC

s/ Richard Tennent (with permission)

Richard Tennent
BPR #: 016931
414 Union Street, Suite 904
Nashville, Tennessee 37219
Telephone: (615) 244-1110
Facsimile: (615) 244-1114
richard@btflaw.com

Attorneys for Defendant Katy Bibee

THE VERNIA LAW FIRM

s/ Ben Vernia (with permission)

Ben Vernia (*Pro Hac Vice*)
1455 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20004
Telephone: (202) 349-4053
Facsimile: (866) 572-6728
bvernia@vernialaw.com

LAW OFFICE OF CULLEN M. WOJCIK
Cullen Wojcik
BPR #: 030564
422 South Gay Street #302
Knoxville, Tennessee 37902
Telephone: (865) 255-6818
Facsimile: (865) 522-9945
wojcklaw@gmail.com

Attorneys for Defendant Heather Jones

WHITT, COOPER, TRANT & HEDRICK

s/ Johnathan D. Cooper (with permission)

Jonathan D. Cooper

BPR #: 016041

607 Market Street, Suite 1100

Knoxville, Tennessee 37902

Telephone: (865) 524-8106

Facsimile: (865) 546-6637

cooper@knoxdefense.com

OBERMAN & RICE

Sarah Compher-Rice

BPR #: 022050

550 Main Street, Suite 730

Knoxville, Tennessee 37902

Telephone: (865) 249-7200

Facsimile: (865) 540-1696

sara@tndui.com

Attorneys for Defendant Karen Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered parties.

s/ Andy Drumheller
Andy Drumheller